

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BLAKE J. ROBBINS, et al.,	:	Civil Action
	:	
Plaintiffs	:	No. 10-665
	:	
v.	:	Hon. Jan E. DuBois
	:	
LOWER MERION SCHOOL DISTRICT, et al.,	:	
	:	
Defendants	:	

**DEFENDANTS' RESPONSE TO THE MOTION OF COLLEEN AND KENNETH
WORTLEY, FRANCES AND DAVID MCCOMB, AND CHRISTOPHER
AND LORENA CHAMBERS FOR INTERVENTION, AND FURTHER RESPONSE TO
THE EMERGENCY MOTION OF THE NEILL FAMILY TO INTERVENE**

Defendants, Lower Merion School District, the Board of Directors of the Lower Merion School District, and Christopher W. McGinley, Superintendent of the Lower Merion School District (collectively, the "District"), hereby respond to the motion of Colleen and Kenneth Wortley, Frances and David McComb, and Christopher and Lorena Chambers for intervention [Doc. No. 21] ("Wortley Motion"), and further respond to the motion of the Neill Family to intervene and for a protective order [Doc. No. 36] ("Neill Motion," and collectively with the Wortley Motion, the "Intervention Motions").

The District does not oppose either Intervention Motion. Indeed, as the District previously stated in connection with each Intervention Motion, the District welcomes the participation of District families in its efforts to address allegations regarding the remote monitoring of student laptops. (*See* Doc. No. 26 at 1; Doc. No. 39 at 2.)

Moreover, the proposed intervenors already have made substantial contributions that provide the underpinnings of an expeditious and cost-efficient resolution that addresses the concerns of District parents, students, and taxpayers.

For example, as proposed by the District, the Court ordered counsel for the parties to meet and confer with counsel for the proposed intervenors “in an effort to reach agreement on the form of order which will ensure that . . . equitable relief to which the parties may agree as part of a resolution of this action addresses the concerns of all the proposed interveners.” (Order entered April 15, 2010 [Doc. No. 43], at 2.) The proposed order for additional equitable relief that the parties recently submitted for the Court’s consideration arose from a series of discussions with counsel for the proposed intervenors. In fact, the starting point for the proposed order was the prayer for relief in the complaint in intervention filed with the Wortley Motion. (*See* Compl. in Intervention, attached to Wortley Motion [Doc. No. 21], at 11-12.) The proposed order also includes a number of specific, additional provisions suggested by counsel for each group of proposed intervenors.

In addition, the Neill Motion – which sought a protective order governing the dissemination of images remotely captured from student laptops – spurred the parties to agree to the protective order that the Court entered on April 15, 2010.

And, counsel for all of the proposed intervenors are participating in the crafting of a process to be overseen by United States Chief Magistrate Judge Thomas J. Rueter pursuant to which students and/or their families will be: (i) notified if the investigation has recovered any webcam photographs or screenshots captured from those students’ laptops; and (ii) provided an opportunity to view any such images.

Accordingly, the District anticipates that the expertise and continued participation of the proposed intervenors’ counsel will facilitate an equitable resolution that benefits the District community.

Respectfully submitted,

/s/ Paul Lantieri III

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CERTIFICATE OF SERVICE

I hereby certify that on this day I caused true and correct copies of the foregoing Defendants' Response to the Motion of Colleen and Kenneth Wortley, Frances and David McComb, and Christopher and Lorena Chambers for Intervention, and Further Response to the Emergency Motion of the Neill Family to Intervene, to be served on the below-listed counsel by the means indicated below:

By ECF, and such document is available for viewing and downloading from the ECF system:

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Date: May 11, 2010

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